

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department -Khammam District- Revision Petition was filed by 1) Sri Gonti Lachanna S/o Mallaiah and 2) Sri.Gonti Sathaiah S/o Bheemaiah (Gonti Lachanna is grandson of Gonti Bheemaiah) , Nelki Venkatapur Village, Dandepalli Mandal, Adilabad District aggrieved by the orders of the Addl.Agent to Govt., Utnoor in CMANo. A4/LTR/04/2005 Dt: 06.03.2007 issued confirming the orders of Spl.Dy.Collector, Utnoor dt: 30.12.2004- Dismissed - Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 22

Dated: 29-04-2017,
Read the following:-

1. Revision Petition filed by Sri. Gonti Lachanna,R/o Nelki Venkataur Village, Dandepalli Mandal, Khammam Dt: 28-03-2007.
2. Govt Letter No.2270/L TR.2/07, dated 18.3.2008.
3. From the Addl.Agent to Government, Bhadrachalam, Khammam Letter No.A4/2005, dated 6.9.2007.

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ORDER

In the reference 1st read above, Sri Gonti Lachanna S/o Mallaiah and Sri.Gonti Sathaiah S/o Bheemaiah (Gonti Lachanna is grandson of Gonti Bheemaiah) both residents of Nelki Venkatapur Village, Dandepalli Mandal, Adilabad District aggrieved by the orders of the Addl.Agent to Govt, Utnoor in CMA. No. A4/LTR/04/2005 Dt:06.03.2007 issued confirming the orders of Spl.Dy.Collector, Utnoor dt:30.12.2004 in respect of the land to an extent of Ac. 0-20 gts in Sy.No.522 situated at Nelki Venkatapur(V), Dandepally(MI), Adilabad District.

2. In the reference 2nd read above, the Project Officer & Addl. Agent to Government, Utnoor, Adilabad was requested to furnish Para Wise Remarks and connected case records and in the reference 3rd read above the Addl. Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected case records.

3. The Main grounds and contention of the Petitioners are as follows:

- The Revenue records i.e pahani copies shows that Sri G.Lachanna and Sri G.Satya (Respondents) came into possession of the suit land after 03-02-1970, which is contravention of the provisions of Sub-Section I of Sec3 of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 read with Amended Regulation I of 1970. As such the transaction took place in respect of Sy.No: 522, extent 0.50 situated at Nelki Venkatapur (V) Dandepalli (M) between one non-tribal to another non-tribal is absolutely null and void. Hence the Special Deputy Collector (T.W) Utnoor ordered ejectment of the respondent from the suit land. Aggrieved by the order of the Special Deputy Collector, Utnoor filed an appeal before the Additional Agent to Government. The Additional Agent to Government held that the Ordinary sale deed dated: 20-01-1970 filed by the Appellant is not a document of transfer in between non-tribal to another non-tribal (Respondent). Both the Appellant / Respondent are trying to prove the purchase before 03-02-1970 thus there are no other records or evidence filed to prove the transaction done through the ordinary sale document dated: 20-01-1970. The transaction made is found after cut-off date and preparation of the ordinary sale deed is an afterthought and a fake document. On the orders of the Additional Agent to Government filed an appeal before the Government.
- Both the courts erroneously and in a hurried manner passed the orders of ejectment against the petitioner and directed to take the lands in Sy.No.522 to an extent of 0.20 gts. (0.50 cents) situated at Nelki Venkatapur village, Dandepally Mandal into Government custody and further directed the Tahasildar to assign the land to the eligible tribals.
- The Special Deputy Collector without issuing or any notice or without considering the legal position and without giving any opportunity of the personal hearing passed the order of ejection on 30-12-2004 suo-motto without complaint from any corner.

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- The grandfather of Gonti Lachanna who is the father of Satya namely Gonti Bheemaiah S/O Rajaram purchased Sy.No: 522 admeasuring 0.20guntas land situated at Nelki Venkatapur (V) on 20-01-1970 from Syed Dada Miya S/O Syed Mohiuddin , Syed Gows S/O Mohiuddin and Akbar Shareef S/O Meera Hussaini who were pattedars at the time of purchase of above land for a consideration of Rs.3,000 /-and Gonti Bheemaiah took possession of the above land on 20-01-1970, cultivated above land till his death and after his death his son's namely Gonti Mallesh and Gonti Satya got 10 guntas of land per head. After the death of Syed Dada Miya S/O Syed Mohiuddin, Syed Gows S/O Mohiuddin and Akbar Shareef S/O Meera Hussaini the patta of the above land was mutated in the names of Syed Moinuddin & 4 others (Respondents in the R.P) who are the legal heirs.
- The Appellant was in possession of Acres: 0.50 cents of land bearing Sy.No: 522 situated at Nelki Venkatapur (V) of Dandepally (M) much prior to the Regulation 1 of 1970 came into force and ought to have given chance to the appellant to prove his case.
- There are three villages by name Venkatapur in Luxettipet Taluq. One is Nelki Venkatapur in andepally circle, second is Zenda Venkatapur in Luxettipet circle and third is Venkatapur in Mandamarri Circle. In the scheduled areas part-B state order 1950 there is only a mention of the name of the village as Venkatapur, unless there is statutory clarification in this regard the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 or any such act cannot be applied to the lands of Nelki Venkatapur.

4 The remarks of the Addl. Agent to Government, Utnoor on the revision petition and on the main contention of the Revision Petition has furnished the following remarks:

- The Appellants deposition that Special Deputy Collector has not issued notices to them and opportunity has also not been given to them. On perusal of the file the Additional Agent to Government has observed that notices were issued to the petitioner twice by the Special Deputy Collector (T.W) Utnoor. In the first instance , notices were not served to the petitioner as he was not located in village on 08-02004 as such another notice was issued, got served on the brother of the petitioner, as again the petitioner was not available in the village.
- The contention of the petitioner that 1/70 is not applicable to this case, where as 1/70 act is elaborated to Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959. The contention of the petitioner are null and void.
- Further the claim of the petitioner that the village Nelki Venkatapur does not come under Schedule area is also not tenable. There were two villages with same name, Venkatapur was declared as Agency area under Part-B state order 1950 iin erstwhile Taluq Luxettipet, Adilabad District. Due to same name in one Taluq the confusion arose hence the people of the village Venkatapur of Dandepally Mandal added "Nelki": only to distinguish and for clear identification. Hence on contravention of Agency rules the action of the Agency courts are taken under the provision of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 as amended Regulation 1 of 1970.
- The transfer of schedule land from non-tribal is made after amended regulation of 1970 had come into force and the transfer of land is a clear violation of APSALTR, 1959 read with Regulation 1/1970.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Addl.Agent to Govt it is observed that;

- The Revision Petitioners main plea is that they have purchased the land to an extent of Ac-0-20 gts in S.No. 522 situated in Nelki Venkatapur (v), Dandepally (m), Adilabad Dist from 1) Sri Syed Mohiddin, 2) Syed khaja,

3) Sri Syed Zamil, 4) Syed Hameed and 5) Sri Syed Akbar sharif through a sada sale deed on 20.01.70 and that they have been in continuous

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position from that date and hence the transfer is not hit by Act 1 of 59 read with Act 1 of 70.

- As seen from the connected records of Addl.Agent to Govt and Spl.Dy.Collector Utnoor, the Revision Petitioners have produced sale agreement on plain white paper which can be created on any date with anterior date to the enactment of scheduled Area Regulation 1959 read with regulation 1970. They have not produced any documents before the Revision authority. They could be able to produce only copy of sada sale deed and pahanis of three different years before the Spl.Dy.Collector Utnoor.

6. Government after careful examination of the matter here by dismissed the appeal of the Revision Petitioner filed by Sri Gonti Lachanna S/o Mallaiah and Sri.Gonti Sathaiah S/o Bheemaiah (Gonti Lachanna is grandson of Gonti Bheemaiah) Nelki Venkatapur Villagte, Dandepalli Mandal, Adilabad District and hereby upheld the orders of the Addl.Agent to Government and Project Officer, ITDA, Addl.Agent to Govt, Utnoor in CMA No. A4/LTR/04/2005 Dt:06.03.2007.

7. The Addl.Agent to Government and Project Officer, ITDA, Utnoor, Adilabad District shall take necessary further action accordingly. The original case records received in the reference 3rd read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

SOMESH KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT

To

1 Sri Gonti Lachanna S/o Mallaiah and

2) Sri.Gonti Sathaiah S/o Bheemaiah

(Gonti Lachanna is grandson of Gonti Bheemaiah)

Nelki Venkatapur Villagte, Dandepalli Mandal, Adilabad District

2)The Project Officer, ITDA and Additional Agent to Government,
Bhadrachalam, Bhadradri Kothagudem District(w.e.)

Copy to :

The Spl. Deputy Collector(TW), Utnoor, Adilabad District
for information and necessary action.

The Tahsildar, Dandepalli Mandal, Now Bhadradri Kothagudem District
for necessary action.

P.S to Minister (TW)/P.S. to Prl. Secretary(TW)
SF/SC

// FORWARDED:: BY ORDER//

SECTION OFFICER